

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

BETH TUNGATE,

Plaintiff,

v.

VOLVO TRUCKS OF NORTH  
AMERICA, LLC., a foreign corporation,  
and SOUTHWEST MISSOURI TRUCK  
CENTER, INC., a foreign corporation,

Defendants.


NO. 3:09-0579  
JUDGE HAYNES

**ORDER**

In accordance with the Memorandum filed herewith, the Defendants' motion to dismiss (Docket Entry No. 9) is **GRANTED in part** and **DENIED in part**. Plaintiff's common law tort claims are hereby **DISMISSED with prejudice**. The Defendants' motion to dismiss is **DENIED** as to Plaintiff's claims under the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-104.

It is so **ORDERED**.

**ENTERED** this the 24<sup>th</sup> day of November, 2009.

  
WILLIAM J. HAYNES, JR.  
United States District Judge